

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

November 6, 2003  
468<sup>th</sup> Regular Board Meeting  
Item No. 15

TENTATIVE WASTE DISCHARGE REQUIREMENTS  
BROWNING-FERRIS INDUSTRIES OF CALIFORNIA, INC.  
(SUNSHINE CANYON CITY LANDFILL)

CHANGE SHEET TO  
OCTOBER 23, 2003 TENTATIVE WASTE DISCHARGE REQUIREMENTS

**Page 5 (Page 12-21 in Board Meeting Package): Two new findings have been added after Finding No. 33 to address Federal wetland regulations:**

34. 40 CFR 258.12(a) requires, among other things, that the proponent of a new landfill or landfill expansion to demonstrate that “Where applicable under section 404 of the Clean Water Act or applicable State wetlands laws, the presumption that practicable alternative to the proposed landfill is available which does not involve wetlands is clearly rebutted.” Similarly, section 258.12(a)(4) requires that “to the extent required under section 404 of the Clean Water Act or applicable state wetlands laws, steps have been taken to attempt to achieve no net loss of wetlands ...” These requirements are addressed in the JTD submitted to this Regional Board and the application to the U.S. Corps of Engineers for a 404 permit by BFI for the proposed landfill development. To ensure that the regulations in 40 CFR 258.12 are not violated, this Order prohibits the removal of any wetlands at the site unless a 404 permit is issued by the U.S. Corps of Engineers that incorporates conditions contained in a Clean Water Act section 401 water quality certification issued by this Regional Board.
35. 40 CFR 258.12 further requires that the owner or operator make specified demonstrations concerning water quality, endangered species, marine sanctuaries, and wetlands degradation. BFI submitted this information as part of the JTD. Sufficient information is available to make a reasonable determination that the requirements, conditions, and prohibitions contained in this order will protect water quality and that the new landfill and its operations will not jeopardize endangered or threatened species, violate any requirements under the Marine Protection, Research and Sanctuaries Act of 1972, or contribute to significant degradation of wetlands.

**Page 14 (Page 12-30 in Board Meeting Package): Prohibition C.7. has been added to ensure compliance with Federal wetland regulations):**

7. No wetlands shall be removed, filled, or otherwise impacted unless a 404 permit and 401 certification are issued under the Federal Clean Water Act.